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Comments

BTV.255986.1

COURTHOUSE PLAZA ■ 199 MAIN STREET ■ PO BOX 190 ■ BURLINGTON, VT ■ 05402-0190 ■ T: +1.802.863.2375 ■ F: +1.802.862.7512
BURLINGTON, VT ■ ST. JOHNSBURY, VT ■ BRATTLEBORO, VT ■ MONTPELIER, VT ■ LITTLETON, NH ■ WWW.DRM.COM

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John E. Cronin

Serial No.: 09/781,361

Filed: February 12, 2001

Title: Invention Interview Process

Attorney Docket No.: ipCG-509
(07689-00021)

Group Art Unit: 2121

Examiner: Michael B. Holmes

☒ CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306, on the date shown below.

 01/18/05
Morgan S. Heller II DateCommissioner for Patents
Alexandria, VA 22313-1450

January 18, 2005

TRANSMITTAL

In connection with the above-identified application, please find attached a Request to Withdraw Notice of Abandonment Under 37 C.F.R. § 181(a).

- ☒ The Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 04-1588. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. § 1.16.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,

DOWNS RACHLIN MARTIN PLLC

By: 

Morgan S. Heller II

Attorney of Record

Registration No.: 44,756

Tel: (802) 863-2375

BTV.425496.1

P241-2/01

Law Offices of
Downs Rachlin Martin PLLC
199 Main Street, P.O. Box 190
Burlington, VT 05402-0190

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Morgan S. Heller II DateCommissioner for Patents
Alexandria, VA 22313-1450

January 18, 2005

REQUEST TO WITHDRAW NOTICE OF ABANDONMENT
UNDER 37 C.F.R. § 181(a)

This is in response to the Notice of Abandonment (paper no. 8) mailed from the U.S. Patent and Trademark Office on December 10, 2004, with respect to the above-identified patent application. A true copy of the Notice of Abandonment is attached as Exhibit A.

On December 4, 2003, the U.S. Patent and Trademark Office issued a first Office Action regarding the above-identified patent application. A true copy of the December 4, 2003 Office Action is attached hereto as Exhibit B.

On March 4, 2004, the undersigned attorney, acting at the behest of the assignee of the present application, submitted via facsimile a Response to the December 4, 2003 Office Action. True copies of the March 4, 2004 Response and the corresponding official Auto-Reply Facsimile Transmission verification page are attached hereto as Exhibit C.

Law Offices of
Downs Rachlin Martin PLLC
199 Main Street
P.O. Box 190
Burlington, VT 05402-0190
(802) 863-2375

On September 20, 2004, Examiner Michael B. Holmes telephoned one of the attorneys of record, Ryan Simmons, and informed Attorney Simmons that the Examiner had not yet received a response to the December 4, 2003 Office Action. During this call, the Examiner requested that Attorney Simmons provide the Examiner with the Response mailing and a facsimile verification of the mailing of the Response.

On September 22, 2004, Attorney Simmons faxed a copy of the March 4, 2004 Response to the attention of Examiner Holmes using fax number 703-746-5423. A true copy of Attorney Simmons' facsimile of September 22, 2004, is attached as Exhibit D. (Unfortunately, Attorney Simmons is unable to retrieve verification that the September 22, 2004 facsimile in fact transmitted properly. Apparently, the request for verification was made beyond the verification retrieval window for the fax machine used.)

On December 10, 2004, the U.S. Patent and Trademark Office mailed the present Notice of Abandonment to Attorney Simmons. Apparently, Examiner Holmes never received Attorney Simmons' September 22, 2004 facsimile that contained a copy of the March 4, 2004 Response.

Attorney Simmons, on behalf of the present assignee, has requested the undersigned attorney to resolve the present abandonment issue.

The undersigned attorney believes that Exhibit C hereto, which includes not only a true copy of the March 4, 2004 Response, but also the U.S. Patent and Trademark Office's auto-reply verification page, incontrovertibly shows that a response to the December 4, 2003 Office Action was indeed submitted on March 4, 2004, within the three month shortened statutory period set in the December 4, 2003 Office Action.

Since the March 4, 2004 Response was timely submitted to the U.S. Patent and Trademark Office, it is respectfully submitted that the present application has improperly been deemed abandoned. Therefore, it is respectfully requested that the Notice of Abandonment be withdrawn.

If any issues remain, it is encouraged that the undersigned attorney be contacted at the number listed below.

Respectfully submitted,

IPCAPITAL GROUP, INC.

By: 

Morgan S. Heller II

Registration No.: 44,756

Down Rachlin Martin PLLC

Tel: (802) 863-2375

BTV.425196.1